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**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

ANTONIO S. CAMACHO)	CIVIL CASE NO. 05-0043
)	
Plaintiff,)	
)	
vs.)	MOTION IN LIMINE
)	
COMMONWEALTH OF THE)	
NORTHERN MARIANA ISLANDS,)	
DEPARTMENT OF PUBLIC LANDS,)	
successor to the Marianas Public Lands)	
Authority, and DEPARTMENT OF)	
PUBLIC WORKS,)	
)	
Defendants.)	

COMES NOW the Plaintiff, Antonio Camacho, through his undersigned attorney, and pursuant to the Federal Rules of Civil Procedure, respectfully moves this Court to enter an order limiting:

1. *All Evidence Relating to the contents of the Administrative Decision made by Mr. Ramon Dela Cruz as Hearing Officer of the Marianas Public Lands Authority entered on September 13, 2004.* Forbidding the Defendants from introducing at trial any evidence concerning the administrative decision of the MPLA in regard to this matter is proper, as the

1 Plaintiff appealed that decision. Since this administrative decision was appealed by the
2 Plaintiff, it is, therefore, not a final resolution of the issue. This appeal was never heard, as the
3 administrative body to which it was appealed, has since been dissolved. As such, the decision
4 is not a final adjudication of the matter and should not be entered into evidence in this trial. To
5 enter the decision into evidence would cause unfair prejudice against the Plaintiff and his
6 arguments and position in this matter.
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9 2. *All Testimony of Hearing Officer Ramon Dela Cruz.* Forbidding the Defendants
10 from introducing at trial any testimony from the Hearing Officer is proper, as the Officer can
11 only testify as to what the administrative hearing that resulted in a decision that was appealed
12 and never decided. Additionally, Mr. Dela Cruz was not listed as having discoverable
13 information in the initial disclosures. To allow this witness to testify is tantamount to
14 permitting the record of the administrative hearing into evidence. This would also unfairly
15 prejudice the Plaintiff. Also, to permit the parties to either depose, or present an administrative
16 hearing officer as a witness, is eerily close to permitting parties to depose or present judges as
17 witnesses on appeals. Judicial integrity demands that Mr. Dela Cruz not be permitted to testify
18 as to his role as hearing officer in the previous matter.
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22 3. *All tapes and transcripts of proceedings held related to the Administrative*
23 *Hearing.* Forbidding the Defendant from introducing at trial any evidence with regard to the
24 transcript of the Administrative Hearing is proper, as it was not furnished during the discovery
25 period, and as far as the Plaintiff is aware has never been transcribed. The Plaintiff has not
26 received the official transcript of this hearing. The transcript was not produced in discovery
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28

1 and to allow Defendants to introduce portions of this transcript would create an undue burden
2 on, and an unfair prejudice against the Plaintiff. To permit the entry of the transcript would
3 give further credence to the decision of the administrative body, which was appealed by the
4 Plaintiff.

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7 **WHEREFORE**, the Plaintiff, Antonio Camacho, respectfully requests this Court enter
8 an order forbidding the introduction as evidence the matters set forth above.

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10 Dated: November 29, 2006.

11 Respectfully submitted,

12
13 O'CONNOR BERMAN DOTTS & BANES
14 Attorneys for Plaintiff Antonio S. Camacho

15
16 By: _____/s/_____
17 Michael W. Dotts (F0150)